# CITY OF THE PROPERTY OF THE STAY, ABRIL 20<sup>TH</sup>, 2004

#### **BUILDING PERMITS AND INSPECTIONS**

#### MEMORANDUM March 30, 2004

TO:

The Honorable Mayor and City Council

THROUGH: R. Alan Shubert, P. E. - Building Permits and Inspections Director

FROM:

Tom Maguire, Housing Compliance Supervisor

SUBJECT:

148-150 N. Brown Street

(Rep. District #8)

The following is a brief chronology of the investigation of the referenced location:

- 1) First investigated December 2001. The building was found to be open and abandoned and in an advanced state of disrepair. The building has been used as a harborage by unwanted persons. We have received numerous complaints from the neighborhood, Police Department and Fire Department. The Building has not been properly maintained and continues to deteriorate and has not been maintained secure. This Building was ordered to be maintained secured by City Council on February 19<sup>th</sup>, 2002. The City has repeatedly secured the Building and placed a lien for \$3,404.95 on the property for work done by the Street Department.
- 2) A certified condemnation letter was mailed to Carlos Escobedo, 10540 Kendall Street, El Paso, Texas 79924.
- 3) Certified notices of the public hearing scheduled April 20<sup>th</sup>, 2004 were mailed to the owners and all interested parties on March 30<sup>th</sup>, 2004.
- 4) As of March 29<sup>th</sup>, 2004 no taxes are owed.
- 5) The owner of the property has been advised on numerous occasions to maintain this building secure and has continually refused to do so.

The Department recommends that it be found:

- 1) That the main structure and accessory building be condemned as substandard, and unfit for habitation or use and a hazard to the public health, safety, and welfare; and
- 2) That the buildings are not in substantial compliance with the municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
- 3) That the structure's certificate of occupancy be revoked; and
- 4) That the structures can not be repaired; and
- 5) That the structures be demolished within 30 days; and
- 6) That the premises be cleaned of all weeds, trash, and debris within 30 days.

# EL PASO CITY-COUNTY HEALTH &ENVIRONMENTAL DISTRICT

# ENVIRONMENTAL HEALTH

## MEMORANDUM

DATE:

March 22, 2004

MEMO TO:

Tom Maguire, Housing Compliance Supervisor

FROM:

Jorge Ramirez, Sr. Environmental Health Inspector

SUBJECT:

**Condemnation Report** 

RE:

150 N. Brown St. 79902

An inspection of the property was conducted on March 22, 2004 and the conditions checked were found in violation of Title 9 - Health and Safety, El Paso Municipal

SECTION 9.04 - SOLID WASTE STORAGE AREA:

SECTION 9.04.340 - ACCUMULATIONS:

Of trash, broken glass and tall dry grass were seen throughout the area.

SECTION 9.16 - NUISANCE:

N/A

SECTION 9.16.010 - DESIGNATED:

N/A

**SECTION 9.28 -RAT CONTROL:** 

The building consists of two-story structure, which is decaying. This condition serves as a potential vermin harborage.

If you require additional assistance on this matter, please call me at (915) 860-2378



## CONDEMNATION REPORT

#### **BUILDING SERVICES DEPARTMENT**

DATE OF EXAMINATION: 12/19/01

**REP. DISTRICT: 8** 

ADDRESS: 148-150 N. Brown St. AKA 150 N. Brown St.

ZONED: C-4

LEGAL DESCRIPTION: Block 32, Franklin Heights, S 75 ft. of 1 to 3 & S 75 ft. of W 15 ft. of 4

OWNER: Carlos Escobedo

ADDRESS: 10540 Kendall St.

**BUILDING USE:** Abandoned duplex

TYPE OF CONSTRUCTION: III

FOOTINGS: Reinforced concrete FEASIBLE TO REPAIR: No

CONDITION: Fair. There is no evidence of structural failure. A licensed professional engineer

should be hired to examine all structural elements of the building.

FOUNDATION WALL: Native stone rubble masonry

FEASIBLE TO REPAIR: No

CONDITION: Poor. The mortar is soft and crumbling.

FLOOR STRUCTURE: Wood framing with wood flooring

FEASIBLE TO REPAIR: No.

CONDITION: Very poor. The floor is partially burned and feels very soft, possibly due to water

damage from roof leaks and broken out windows.

EXTERIOR WALLS: HEIGHT: 10-18' THICKNESS: 12"

FEASIBLE TO REPAIR: No

CONDITION: Poor. Fire and water damage and neglect have led to possible compromise of the strength of the outside walls. An engineer's report must be obtained for all structural elements.

INTERIOR WALLS & CEILINGS: Wood framing with plaster and sheetrock

FEASIBLE TO REPAIR: No

CONDITION: All of the walls and ceilings are damaged some from leaks and vandalism, others from fire. The walls must be replaced or repaired to meet code.

ROOF STRUCTURE: Wood frame and brick - asphalt roofing

FEASIBLE TO REPAIR: No

CONDITION: Time and neglect are evident in the condition of the roof. A thorough inspection of

the roof structure must be made to determine what must be done to comply with code.

DOORS, WINDOWS, ETC.: Wood doors and windows

FEASIBLE TO REPAIR: No

**CONDITION:** The doors and windows are damaged or missing and must be replaced with code compliant units.

MEANS OF EGRESS: Concrete stairs in front, wood balcony and metal stairs in the back

FEASIBLE TO REPAIR: No

**CONDITION:** The rear balcony is badly deteriorated and must be completely replaced. Railings must be installed in the front.

PLUMBING: Fixtures broken and missing.

**ELECTRICAL:** Inadequate and damaged by vandals and fire must be replaced by a licensed electrician.

**MECHANICAL:** HVAC system not adequate. New system must be designed by a licensed HVAC contractor.

IF CONDEMNED, HOW MANY PERSONS WILL BE AFFECTED: 0

WARNING POSTED: Yes BARRICADED: No POLICE AID REQD.: No

**REMARKS:** This building has been open and abandoned for years. It has been the setting for drug use, gang activity, sexual assault and arson. I recommend that the structure be demolished and the lot cleaned of all weeds, trash and debris.

Tom Maguire **Inspector** 

#### NOTICE OF PUBLIC HEARING

#### To All Interested Parties:

You are hereby notified that at 9:00 a.m. on the 20<sup>th</sup> day of April, 2004 in the Council Chambers of City Hall, #2 Civic Center Plaza, El Paso, Texas, the City Council of El Paso will hold a public hearing on the question of whether the Building located on the property at 148-150 N. Brown Street, in El Paso, Texas, which property is more particularly described as:

Lots: S 75 Ft. of 1 to 3 and 75 Ft. of W 15 Ft. of 4, Block 32, Franklin Heights is unsafe and dangerous.

According to the real property records of the County of El Paso, Texas, Carlos Escobedo, 10540 Kendall Street, El Paso, Texas 79924, is listed as the Owner of the real property described herein.

The Owner of said property is hereby ordered to appear before City Council and any mortgagees, lien holders, and other persons having an interest in said property are entitled to appear before City Council at said date, hour, and place to show cause why said Building should not be declared a nuisance and ordered to be abated; and

The Owner, lien holders, mortgagees, or any other person having an interest in the property are hereby required to submit at the hearing proof of the scope of any work that may be required to bring the building into compliance with Titles 17 and 18 of the code as mandated by Section 18.52.040 of the Municipal Code, and to specify the time it will take to reasonably perform the work.

At the hearing, the owner, lien holders, mortgagees, or any other person having an interest in the property must present to City Council any evidence showing that the structure or part thereof is safe.

All documents such as building plans, specifications, drawings, reports from design professionals and any other required documents must be presented to City Council at this hearing.

The time periods, which govern the completion of work ordered by Council, are outlined in Subsection 18.52.040 (3) pursuant to State law.

If the Owner fails, neglects or refuses to comply with the order of City Council the City may pursue one, or more of the following actions:

- the city will perform any and all work needed to bring the property into compliance with this order, at its own expense, but for and on account of the Owner, of said property, the cost of which shall be assessed as a lien against the property and;
- II) assess a civil penalty against the property Owner for failure to repair, remove or demolish said Building in an amount not to exceed \$1000.00 a day for each violation, or \$10 a day if the Owner shows that the property is the Owner's lawful homestead and;
- III) the Owner may be confined in jail as permitted by state law and;
- IV) appoint a receiver as permitted by state law.

Any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of the assessment until paid in full; and

That the City Clerk is ordered to provide notice of this hearing to the record Owner and all other persons having an interest in the property as provided by law.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Adopted this 30<sup>th</sup> day of March, 2004.

APPROVED AS TO FORM:	APPROVED AS TO CONTENT:	
Teresa Garcia Assistant City Attorney	Tom Maguire Housing Compliance Supervisor	

#### JOE WARDY MAYOR



#### BUILDING PERMITS AND INSPECTIONS CODE COMPLIANCE March 16, 2004

Carlos Escobedo 10540 Kendall St. El Paso, Texas 79924-1908

> Re: 150 N. Borwn St. Lots: S 75 Ft. of 1 to 3 & S 75 Ft. of W 15 Ft. of 4 Blk: 32, Franklin Heights Zoned: C-4 00-04-0303 Certified Mail Receipt # 7003 2260 0002 9957 5654

#### CITY COUNCIL

SUSAN AUSTIN DISTRICT NO. 1

ROBERT A. CUSHING Jr.
DISTRICT NO. 2

JOSE ALEXANDRO LOZANO DISTRICT NO. 3 JOHN COOK

DANIEL S. POWER
DISTRICT NO. 5

PAUL J. ESCOBAR DISTRICT NO. 6

VIVIAN ROJAS
DISTRICT NO. 7
ANTHONY COBOS
DISTRICT NO. 8

To All Owners, Lienholders, and Mortgagees:

An inspection at the above referenced address has revealed that the structure is in violation of the El Paso Municipal Code, Chapter 18.52.030 - Unsafe Structures - Owner Not To Allow Condition To Continue, which states:

It is unlawful for the owner of any building or structure, or part thereof, which has become unsafe and dangerous so as to endanger persons or property, or so as to be a fire hazard by reason of defective construction, overloaded floors, lack of guards against fire, defective condition of the foundations, walls, or parts thereof, or deterioration caused by fire or otherwise, or for any reason, to allow or permit same to remain upon any real estate within the City.

The El Paso Municipal Code Chapter 18.52.040 - unsafe structures - Remedial action by owner or City defines unsafe structure as a structure or part thereof that is:

- a. Dilapidated, substandard, or unfit for human habitation and a hazard to the public health, safety, and welfare; or
- Regardless of its structural condition, unoccupied by its owners, lessees
  or other invitees and is unsecured from unauthorized entry to the extent
  that it could be entered or used by vagrants or other uninvited persons
  as a place of harborage or could be entered or used by children; or

#### 150 N. Brown Street

- c. Boarded up, fenced, or otherwise secured in any manner in if:
- i. The building constitutes a danger to the public even though secured entry, or
- ii. The means used to secure the building are inadequate to prevent unauthorized entry or use of the building in the manner described by subsection.

The structure located at 150 N. Brown Street has the following violations:

- a. The foundation has not been maintained in a safe manner.
- b. The floors have not been maintained in a safe manner.
- c. The walls have not been maintained in a safe manner free of holes and cracks.
- d. The roof structure has not been maintained free of defects that may cause leaks.
- e. The means of egress is/are inadequate and do not meet minimum code requirements.
- f. The plumbing system is inadequate and does not meet minimum code requirements.
- g. The electrical system is inadequate and does not meet minimum code requirements.
- h. The HVAC system is inadequate and does not meet minimum code requirements.
- i. The structure is open and accessible to unauthorized entry.
- j. The premises are full of weeds, trash, and debris.
- k. This case is being submitted to the City Attorney's office for unsafe structures proceedings. The City Council will decide if the structure is unsafe and if it should be vacated and secured, or demolished as per Sec. 18.52.040 of the El Paso Municipal Code.

#### 150 N. Brown Street

Many of these corrections will require a permit. Permits for commercial or rental property must be taken out by a bonded and insured contractor who is registered with the City of El Paso.

According to the real property records of El Paso County, you own the real property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. The affidavit must be delivered in person or by certified mail, return receipt requested, to the Housing Compliance Office of the Building Permits and Inspections, 5<sup>th</sup> floor, City Hall, no later than the 20th day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Should you have any questions regarding this matter, please contact me at 54l-4800.

FOR THE DIRECTOR FOR BUILDING PERMITS AND INSPECTIONS:

Bill Stern Building Inspector

BS/rl

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul> <li>Complete items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece or on the front if space permits.</li> </ul>	B Book of his Country and a part of his
1. Article Addressed to:	D. Is delivery address different from item 1?   If YES, enter delivery address below:   No
Carlos Escobedo 10540 Kendall St.	
El Paso, Texas 79924-1908 Re: 150 N. Brown St.	3. Service Type  B3. Certified Mail □ Express Mail □ Registered □ Return Receipt for Merchandise □ Insured Mail □ C.O.D.
2k 473	4. Restricted Delivery? (Extra Fee)
2. Article Number (Transfer from service label) 7 [	03 2260 0002 9957 5654

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#### RESOLUTION

WHEREAS, the Building Official and the Fire Marshal of the City of El Paso have conducted an investigation and have reported to the City Council in writing that they are of the opinion that the structure located on the property at 148-150 N. Brown Street, in El Paso, Texas, which property is more particularly described as follows:

Lots: S 75 ft. of 1 to 3 & 75 ft. of W. 15 ft. of 4, Block 32, Franklin Heights

is dilapidated, substandard, and unfit for human habitation; is a hazard to public health, safety, and welfare; does not meet the minimum standards for continued use and occupancy contained in Titles 17 and 18 of the Municipal Code which are adopted and incorporated by reference into Section 18.52; and

WHEREAS, Carlos Escobedo, 10540 Kendall St., El Paso, Texas 79924, record Owner, and all mortgages and lienholders were duly notified according to law to appear at a public hearing before City Council at 9:00 a.m. on February 19<sup>th</sup>, 2002; and

WHEREAS, Carlos Escobedo appeared and assured City Council that the property would be secured and clean within 30 days.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

- 1. That City Council having heard the evidence, makes the following findings:
  - That the structure located on said property is condemned as substandard, unfit for human habitation or use, and therefore a hazard to the public health, safety, and welfare; and
  - b. That the structure is not in substantial compliance with municipal ordinances regulating fire protection, structural integrity, and disposal of refuse; and
  - c. The structure's certificate of occupancy is hereby revoked; and
  - d. That the structure can be repaired.
- 2. That the City Council hereby orders Owner to comply with the following requirements:
  - a. That the Building be secured within (30) days; and
  - b. That the premises be secured with a 6' chain link fence.
  - c. That the premises be cleaned of all weeds, trash and debris within (30) days; and
  - d. That a public hearing be scheduled for April 16<sup>th</sup>, 2002 in the City Council Chambers, to determine, if the Council order has been complied with and, if not, to determine penalties; and
  - e. That the Owner of said Building is hereby ordered to comply with all requirements of the Resolution; and
  - f. The owner is advised that in order to obtain a new certificate of occupancy, the entire building and its service systems must be brought into compliance with the current codes.

- g. That upon failure of the Owner to comply with this Resolution, any mortgagees, lienholder, and other persons having an interest in the property have an additional ten (10) days to secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris; and
- 3. That upon failure of the Owner to comply with this Order, the City of El Paso through its Deputy Director of Building Services shall secure the Building and maintain the Building secure and clean the premises of all weeds, trash, and debris at its own expense, but for and on account of the Owner of said property; and
- 4. That said Owner shall become personally liable for all costs incurred by City in connection with securing and maintaining the Building secure and cleaning the premises of all weeds, trash and debris; and
- 5. That the costs incurred by the City in connection with the cleaning the premises of all weeds, trash, and debris shall become due and payable within thirty (30) days of the date of completion of the work and such cost shall be assessed as a lien against the property unless paid; and
- 6. That upon failure of the Owner to comply with this Order, one or all of the following actions will be taken:
  - a. The City will perform any and all work needed to bring the property into compliance with this order, at its own expense but for and on account of the Owner of said property, the cost of which shall be assessed as a lien against the property; and
  - b. That upon failure of the Owner to comply with this order the City Council may assess a civil penalty against the property Owner in an amount not to exceed \$1,000.00 a day for each violation or, if the Owner shows that the property is the Owner's lawful homestead, in an amount not to exceed ten (10) dollars a day for each violation; and
  - c. That upon failure of the Owner to comply with this order, the Owner may be confined in jail as permitted by state law, and
- 7. That upon failure of the Owner, any mortgages or lienholders to restore the Building so that it complies with all relevant City Code requirements, the City of El Paso, if applicable, may bring an action in District Court to request appointment of a receiver for the rehabilitation of said property pursuant to Section 214.003 of the Texas Local Government Code; and
- 8. The Owner, any mortgagees, or lienholders have a right to appeal these findings to a court of competent jurisdiction within ten (10) days after notice of this Resolution. The findings shall become final after ten (10) days of receipt of Notice; and
- That any civil penalty or assessment imposed will accrue interest at a rate of ten (10) percent a year from the date of assessment until paid in full; and
- 10. That the City Clerk is ordered to cause copies of this Resolution to be served on the record Owner and all other persons having interest in the property as provided by law.

According to the real property records of El Paso County, you own the property described in this notice. If you no longer own the property, you must execute an affidavit stating that you no longer own the property and stating the name and last known address of the person who acquired the property from you. the affidavit must be delivered in person or by certified mail, return receipt requested, to this office no later than the 20<sup>th</sup> day after the date you receive this notice. If you do not send the affidavit, it will be presumed that you own the property described in this notice, even if you do not.

Adopted this 19th day February, 2002.

THE CITY OF EL PASC

Mayor

ATTEST:

BaroleHuter

City Clerk

APPROVED AS TO FORM:

Reginald Bussey

Assistant City Attorney

APPROVED AS TO CONTENT:

Terry Williams

Department of Building Services

#### <u>ORDER</u>

WHEREAS, after providing due notice to the Owners of the hereinafter described property, the City Council of the City of El Paso conducted a Public Hearing on February 19<sup>th</sup>, 2002, regarding the property located at 148-150 N. Brown Street, more particularly described as:

Lots: S 75 Ft. of 1 to 3 & 75 Ft. of W 15 Ft. of 4, Block 32, Franklin Heights

and found that the Building located on said property is substandard; unfit for habitation or use, and a hazard to public health, safety and welfare; and that the Building is not in substantial compliance with the Municipal Ordinances, and that the Building can be repaired; and

WHEREAS, having found that the Building is not in substantial compliance with the Municipal Ordinances, the City Council ORDERED the Owners of said property to secure the Building and secure the premises with a 6' chain link fence and remove all weeds, trash and debris, within 30 days of adoption of the Resolution dated February  $10^{th}$ , 2002, that is on or before March  $16^{th}$ , 2002.

WHEREAS, the City Council ORDERED the Owners of said property to appear before City Council on December 17<sup>th</sup>, 2002, for a Public Hearing to determine whether the Council Order has been complied with and to determine penalties if the Council Order has not been complied with:

WHEREAS, no one appeared.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

- 1. That the City Council, having heard the evidence, makes the following findings:
- a. That the Owner of said property, Carlos Escobedo, was notified of the requirements of Section 18.52.040 and of his need to comply with these requirements as they relate to his property; and
- b. That after notification, the Owner committed an act in violation of Section 18.52.040 or failed to take an action necessary for compliance with 18.52.040, specifically; the Owner failed to secure the Building, fence the property, and clean the premises of all weeds, trash and debris within 30 days after February 19<sup>th</sup>, 2002 that is, on or before March 19<sup>th</sup>, 2002; and
- c. That the Owner has failed to comply with the Order each day from June  $6^{th}$ , 2002 through December 17<sup>th</sup>, 2002, a total of 194 days; and

I, RICHARDA DUFFY MOMSEN, City Clerk a true and correct copy of the foregoing Notice property located at 148-150 N. Brown Street, official City newspaper on the Bd, day of De	dated December 17 <sup>th</sup> , 2002, regarding the
	Ldox.
	Richarda Duffy Momsen
I certify that a true and correct copy of the fore regarding the property at 148-150 N. Brown CERTIFIED-RETURN RECEIPT REQUESTER	Street El Paco Torras TMATTER
Carlos Escobedo 10540 Kendall St. El Paso, Texas 79924	
	Date:
	Time:
I certify that a true and correct copy of the foreg regarding the property at 148-150 N. Brow CERTIFIED-RETURN RECEIPT REQUESTED	n Street El Doco Torres Electron
Carlos Escobedo	
148-150 N. Brown St.	
El Paso, Texas 79901	
	Date:
	Inspector

I certify that a true and correct copy of the foregoing Notice dated December 17<sup>th</sup>, 2002 regarding the property at 148-150 N. Brown Street, El Paso, Texas, was [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Mark Salloum, Trustee 300 E. Main Dr., Suite 908 El Paso, Texas 79901	
	Date:
	Inspector
I certify that a true and correct copy of the fregarding the property at 148-150 N. Brocertified Request CERTIFIED-RETURN RECEIPT REQUEST	oregoing Notice dated December 17 <sup>th</sup> , 2002 wn Street, El Paso, Texas, was [MAILED ΓΕD] to:
Sergio A. Mendoza 18504 Crystal Ridge El Paso, Texas 79938	
	Date:
	Inspector
I certify that a true and correct copy of the foregarding the property at 148-150 N. Brown DELIVERED] to:	oregoing Notice dated December 17 <sup>th</sup> , 2002 wn Street, El Paso, Texas, was [HAND-
City of El Paso C/O City Clerk #2 Civic Center Plaza El Paso, Texas 79901	
	Date: Time:
	Inspector

I certify that a true and correct copy of the foregoing Notice dated December 17<sup>th</sup>, 2002 regarding the property at 148-150 N. Brown Street, El Paso, Texas, was [MAILED CERTIFIED-RETURN RECEIPT REQUESTED] to:

Governor of the Ysleta Del Sur Pueblo Indian Tribe AKA Tigua Indian Community 119 S. Old Pueblo Road El Paso, Texas 79907

El Paso, Texas 79907	
	Date:
	Time:
	Inspector
I certify that a true and correct copy of the foregregarding the property at 148-150 N. Brown CERTIFIED-RETURN RECEIPT REQUESTED	Street El Paco Toyon was ALAILED
El Paso Central Appraisal District 5801 Trowbridge Ave. El Paso, Texas 79925	
	Date:
	Time:
	Inspector
certify that a true and correct copy of the foregoi 148-150 N. Brown Street, El Paso, Texas.	ng Notice was POSTED at
	Date:
	Time:
	Inspector

20040329 TC8006 (	CITY OF EL PASO TAX OFFICE - ACCOUNT STATUS	141339
ACCOUNT F60799903200100 UNITS:01 03 06 07 08 ESCOBEDO, CARLOS		ALT OWN
10540 KENDALL ST	S 75 FT OF 1 TO 3 & S 75 FT OF 1 15 FT OF 4	W
EL PASO ACRES .1550 YEAR GROSS VAL HOVDFAER 2003 49913 2002 49913 2001 33800 2000 33800 1999 33800 1998 61001 1997 17435 YY		TOTAL DUE

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PAGE TOTAL

CUMULATIVE TOTAL

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TOTAL

LAST PAYOR OWNER

NOTE EXISTS

ENTER NEXT ACCOUNT